IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 272 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR
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1.   Whether Reporters of Local Papers may be allowed
        to see the judgements?

2.   To be referred to the Reporter or not?

3.   Whether Their Lordships wish to see the fair copy
        of the judgement?

4.   Whether this case involves a substantial question
        of law as to the interpretation of the Constitution
        of India, 1950 of any Order made thereunder?

5.   Whether it is to be circulated to the Civil Judge?

        STATE OF GUJARAT
Versus
        HAPPINESS GENERAL PROVISION   STORES

        Appearance:
            MR. D.P. JOSHI, AGP, for Petitioner
            SERVED for Respondent No. 1, 3

        CORAM : MR.JUSTICE N.N.MATHUR
        Date of decision: 02/02/98

ORAL JUDGEMENT
        This Civil Revision Application under Section 115
        of C.P.C. has been filed against the order passed by the
        Thrid Joint Civil Judge (S.D.), Rajkot below Exh. 21
        filed by the Court Inspector in Special Civil Suit No. 14
        of 1987 dated 30.8.1989.

        The   necessary facts are that the plaintiff filed
        a Special Suit in the court of Civil Judge (S.D.),

Rajkot, valuing at Rs. 21,000/- for the purpose of jurisdiction on paying court fees of Rs. 30/-. The plaintiff sought injunction against the cancellation of the dealership and not to cut off the supply of Chatrapati Sambhaji Bidi being made to the plaintiff firm as per quota. The court found that the dealership of the plaintiff is not susceptible of monetary evaluation. Considering the provisions of the Court Fees Act and the relevant law on the subject, the application filed by the Court Fees Inspector was rejected.

 I have gone through the memorandum of revision as well as the judgement passed by the learned judge. I find no illegality in the order of the learned judge. The order is well reasoned and is based on material on record and settled position of law. I find no error of jurisdiction which calls for interference by this court in exercise of power under Section 115 of the C.P.C. The revision application is rejected. Rule is discharged.
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